

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	
	:	CASE NO. 1:02-cv-367
V.	:	(consolidated with 1:02-cv-359,
	:	1:02-cv-388, 1:02-cv-431, and
	:	1:02-cv-474)
REAL PROPERTY KNOWN AND	:	
NUMBERED AS 2467 LEGENDS WAY,	:	SENIOR JUDGE SPIEGEL
CRESTVIEW HILLS, KENTON	:	
COUNTY, KENTUCKY , WITH ALL	:	
APPURTENANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, et al.,	:	
DEFENDANTS.	:	
	:	

**UNITED STATES' MOTION TO DISMISS REAL PROPERTY KNOWN AND
NUMBERED AS 660-5 FRIARS LANE, FLORENCE, KENTUCKY**

The United States, by and through the undersigned Assistant United States Attorney for the Southern District of Ohio, moves this Court pursuant to Fed.R.Civ.P. 41(a)(2) for an order dismissing real property known and numbered as 660-5 Friars Lane, Florence, Boone County, Kentucky ("the subject real property"), which is further described as follows:

Being all of Unit Five (5) in Building Twenty-Five (25), Lot Twenty-Five (25), Section Sixteen (16), of Sherwood Lakes Condominiums, as shown on Plat 588A of the Boone County Clerk's records at Burlington, Kentucky.

This unit is subject to terms, conditions and provisions of the Declaration of Master Deed of Sherwood Lakes Condominiums set forth in Deed Book 614 Page 19 of said records, and as amended or supplemented.

The United States has agreed to the sale of the subject real property by the record owner, BOC Asset Corporation, to a third party. The gross contract price is less than the amount of the mortgage held by Bank of Corbin on the subject real property; thus, no equity will remain in the property which the United States can forfeit.

Therefore, the United States respectfully requests that the Court issue an order dismissing the subject real property from the verified Complaint for Forfeiture in Rem filed with this Court on May 30, 2002.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/Kathleen M. Brinkman

KATHLEEN M. BRINKMAN (0016269)

Assistant United States Attorney

Attorney for Plaintiff

221 East Fourth Street, Suite 400

Cincinnati, Ohio 45202

(513) 684-3711

Fax: (513) 684-6385

Kathleen.Brinkman@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served on this 27th day of May, 2004, electronically on: Richard Boydston; Geraldine M. Johnson; Cynthia M. Roselle; Susan Grogan Faller; Earl K. Messer; Michael L. Scheier; Glenn V. Whitaker; and by regular U.S. Mail on the following:

Bruce R. Schrader, II
Attorney for Bellavista at Gulf Harbour
Yacht & Country Club Condo. Assoc.
Roetzell & Andress
75 East Market Street
Akron, Ohio 44308

Thomas D. Heekin, Jr.
Attorney for Richard W. Erpenbeck
Heekin & Heekin
30 East Central Parkway, Suite 111
Cincinnati, Ohio 45202

Susan J. Moeller
Attorney for Provident Bank
Keating, Muething & Klekamp, P.L.L.
1400 Provident Tower
One East Fourth Street
Cincinnati, Ohio 45202

Kent A. Britt
Attorney for A. William & Marcia
Erpenbeck
Vorys, Sater, Seymour and Pease LLP
221 East Fourth Street, Suite 2100
Cincinnati, Ohio 45201

Michael T. Sutton
Attorney for Lisa Hellman
Sutton, Hicks, Lucas, Grayson & Braden
130 Dudley Road
Edgewood, Kentucky 41017

James L. Nieberding
Attorney for Guardian Savings Bank FSB
Nieberding & Nieberding Co., LPA
914 Main Street, Suite 500
Cincinnati, Ohio 45202

Tamara A. Miano
Attorney for U.S. Bank, N.A.
Taft, Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202

Dennis R. Williams
Attorney for Fifth Third Bank, Western
Ohio
Adams, Stepner, Woltermann & Gusind
40 West Pike Street
Covington, Kentucky 41012

James T. Hodge
Attorney for Union Planters Bank, N.A.
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington, Kentucky 40502

Harry P. Hellings, Jr.
Attorney for Marc & Alice Menne
214 East Fourth Street
Covington, Kentucky 41011

John A. Schuh
Attorney for John & Susan Finnan
Schuh & Goldberg, LLP
2662 Madison Road
Cincinnati, Ohio 45208

Jeffrey S. Rosenstiel
Attorney for Bank of Corbin
Frost Brown Todd LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202

John R. Kummer
Attorney for First National Bank of
Northern Kentucky
Ware, Bryson, West & Kummer, PLLC
157 Barnwood Drive
P.O. Box 17718
Edgewood, Kentucky 41017

s/Kathleen M. Brinkman
KATHLEEN M. BRINKMAN (0016269)
Assistant United States Attorney